

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 23931 of 2006(Y)

PETITIONERS:

1. MUHAMMED YASUDEEN,
KULATHUMKARA VADAKKETHIL, SUMAYA MANZIL,
KUNDAYAM, PATHANAPURAM VILLAGE,
PATHANAPURAM.
2. MUHAMMADALI S.,
MUNEER MANZIL, KULATHUMKARA VADAKKETHIL,
KUNDAYAM, PATHANAPURAM VILLAGE,
PATHANAPURAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT OF LOCAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM.
2. DISTRICT MEDICAL OFFICER,
KOLLAM.
3. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOLLAM.
4. SECRETARY,
PATHANAPURAM GRAMA PANCHAYATH,
PATHANAPURAM.
5. SUDEER,
SHARJA MANZIL, KUNDAYAM,
PATHANAPURAM VILLAGE, KOLLAM DISTRICT.

6. MEHA RAJ,
SHARJA MANZIL, KUNDAYAM,
PATHANAPURAM VILLAGE, PATHANAPURAM.

R1 & R2 BY ADV.SRI.MATHEW G. VADAKKEL, SR. GOVT. PLEADER.
SRI.SUNNY MATHEW
SRI.S.MUHAMMED HANEEFF
SRI.T.M.JAFARKHAN
SRI.N.UNNIKRISHNAN
R3 BY ADV. SRI.M.K.CHANDRA MOHANDAS,SC,P.C.B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/12/2006,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 23931 OF 2006

Dated this the 20th day of December, 2006

JUDGMENT

Mr.Haneef, counsel for respondents 5 and 6 submits that even though no interim order has been passed by this Court, Panchayat is refraining from even considering the application for licence submitted by his clients though the same is supported by all statutory consents and certificates. The counsel for the petitioner as well as the Government Pleader would submit that the District Medical Officer is yet to issue any no-objection in the matter of licence application made by respondents 5 & 6. Counsel for the Panchayat would submit that it is the Pollution Control Board which should have more say in the matter than the Public Health Authority. Whatever that be since respondents 5 and 6 have already approached the Panchayat for licence, I am of the view that it will suffice if petitioners are also heard before final orders are passed by the Panchayat. Accordingly, without expressing any opinion on the merits of the grounds raised, the Writ Petition will stand disposed of with the following directions:

The Panchayat will process the applications submitted by the 5th and 6th respondents and hear the petitioners also, before final orders are passed.

PIUS C. KURIAKOSE, JUDGE

btt

